

**REMARKS**

Claims 1-20 are currently pending in the application. Reconsideration and withdrawal of all pending rejections in view of the following remarks is respectfully requested.

***Allowable Subject Matter***

Applicant appreciates the indication that claims 4-17 and 19 are allowed and that claim 20 contains allowable subject matter and would be allowable if presented in independent form. However, claim 20 is not being presented in independent form at this time because it is believed that claim 1, from which it depends, is allowable over the applied art of record. Furthermore, Applicant submits that all of the claims are in condition for allowance for the following reasons.

***35 U.S.C. § 103 Rejection***

Claims 1-3 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,792,417 issued to PUNAKO in view of U.S. Patent No. 5,548,871 issued to TRETHERWEY. Applicant respectfully traverses this rejection for at least the following reasons.

Claim 1 is directed to a strain relief clamp that includes a transparent member and a window. In particular, representative claim 1 recites, in pertinent part that the strain relief clamp includes:

a window through which the marking of interest on the cable is visible when the strain relief clamp is installed on the connector; and a transparent member arranged on the window.

These features are clearly not disclosed or suggested by the combination of PUNAKO and TRETHEWEY.

Applicant acknowledges that PUNAKO discloses a strain relief having windows 45 and 46 (see Figs. 1 and 5). However, there is no apparent disclosure in PUNAKO with regard to utilizing a transparent member in combination with the windows 45 and 46, much less, using such a device on the windows 45 and 46. Nor would PUNAKO benefit from such a device because the windows 45 and 46 in PUNAKO are used to allow for a tie to pass through the windows 45 and 46 (see col. 2, lines 44-46) and placing a transparent member on the windows 45 and 46 would clearly prevent the passage of such a tie.

Applicant submits that there is no disclosure in PUNAKO which even remotely teaches or suggests using cable marking with respect to a strain relief clamp having a transparent member. Nor is there any disclosure or suggestion with regard to using the windows of PUNAKO for anything other than allowing ties to pass therethrough. As a result, one of ordinary skill would have no motivation to modify this reference to allow the windows 45 and 46 to be used for viewing markings on the cable through the strain relief clamp.

TRETHEWEY does not cure the deficiencies of PUNAKO. Applicant acknowledges that TRETHEWEY discloses a bundling strap which can be made transparent. However, this is beside the point and irrelevant. Applicant is not claiming

a transparent strap. Nor has the Examiner explained how a transparent strap is equivalent to a transparent member arranged on the window.

There is simply no apparent disclosure in TRETHERWEY with regard to utilizing a transparent member in combination with a window, much less, using such a device on the window of a strain relief clamp.

Nor would PUNAKO benefit from using the transparent strap of TRETHERWEY as the strap of TRETHERWEY is clearly too large to be useful on the windows 45 and 46 in PUNAKO. Furthermore, using the strap of TRETHERWEY on the device of PUNAKO would make no sense because it would prevent a tie from passing through the windows 45 and 46 as disclosed by col. 2, lines 44-46 of PUNAKO.

Applicant directs the Examiner's attention to the guidelines identified in M.P.E.P. section 2141 which state that "[i]n determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

As this section clearly indicates, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)."

Moreover, it has been legally established that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) .... Although a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.' 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references)."

Additionally, it has been held that a statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).

Furthermore, Applicant submits that there is no motivation or rationale disclosed or suggested in the art to modify PUNAKO in view of TRETHEWEY in the manner asserted by the Examiner. Nor does the Examiner's opinion provide a proper basis for these features or for the motivation to modify these documents in the manner suggested

by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claim 1 is not rendered obvious by any reasonable inspection and interpretation of these documents.

For the above-noted reasons, independent claim 1, and dependent claims 2, 3 and 18, are allowable over the combined teachings of PUNAKO and TRETHERWEY.

Because, there is no disclosure PUNAKO and TRETHERWEY with regard to the above-noted features of at least claim 1, the Examiner is respectfully requested to withdraw the rejection of claims 1-3 and 18 under 35 U.S.C. § 103.

### CONCLUSION

In view of the foregoing remarks, Applicant submits that all of the rejections have been overcome, and that the claims are patentably distinct from the prior art of record and in condition for allowance. The Examiner is respectfully requested to pass the above application to issue, and to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to **Deposit Account No. 09-0457 (Endicott)**.

Respectfully submitted,  
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